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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,235	03/09/2004	Michael Charles Shelton	71626 US03	2129
69102	7590	04/05/2010		
POLLY C. OWEN P.O. BOX 511 KINGSPORT, TN 37662-5075			EXAMINER HAIDER, SAIRA BANO	
			ART UNIT 1796	PAPER NUMBER
			NOTIFICATION DATE 04/05/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

POWEN@EASTMAN.COM  
rlwhite@eastman.com

### Office Action Summary

**Application No.**

10/796,235

**Applicant(s)**

SHELTON ET AL.

**Examiner**

SAIRA HAIDER

**Art Unit**

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/24/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18, 20-36 and 38-64 is/are pending in the application.
- 4a) Of the above claim(s) 2-4, 6-13, 18 and 42-64 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 5, 14-17, 20-36 and 38-41 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1, 5, 14-17, 20-36, and 38-41 are allowed. The following is an examiner's statement of reasons for allowance:
2. The closest prior art references Allen (US 5,668,273) and Obie (WO 01/35719 A2) fail to expressly disclose or in combination teach the claimed cellulose mixed ester having the specifically recited values for the total degree of substitution and the degree of substitution of the carboxy(C<sub>1</sub>-C<sub>3</sub>)alkyl, hydroxyl, butyryl, acetyl wherein the inherent viscosity falls within the claimed range. The selection of the claimed ranges within the part art involves an unduly and unobvious amount of modifications, wherein the reference fails to motivate one to operate within the claimed ranges, specifically wherein the total degree of substitution and inherent viscosity fall within the claimed range. It is not known in the art of cellulose mixed esters to utilize the specifically claimed cellulose mixed ester having the claimed degree of substitution ranges, there is no motivation to do so, nor, would it have been obvious to one of ordinary skill at the time of the invention. Hence, the invention as a whole is regarded as novel and unobvious over the prior art.
3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Terminal Disclaimer***

4. The terminal disclaimer filed on 11/24/2009 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Application 10/796,176 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Election/Restrictions***

5. This application is in condition for allowance except for the presence of claims 2-4, 6-13, 18, and 42-64 directed to an invention non-elected with traverse in the reply filed on 02/20/2007.
6. Applicant is given ONE MONTH or THIRTY DAYS from the date of this letter, whichever is longer, to cancel the noted claims or take other appropriate action (37 CFR 1.144). Failure to take action during this period will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue.

The prosecution of this case is closed except for consideration of the above matter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAIRA HAIDER whose telephone number is (571)272-3553. The examiner can normally be reached on Monday-Friday from 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/James J. Seidleck/  
Supervisory Patent Examiner, Art Unit 1796

Saira Haider  
Examiner  
Art Unit 1796